



# FACT

FOUNDATION FOR  
ACCOUNTABILITY  
AND CIVIC TRUST

September 12, 2016

Federal Election Commission  
Office of General Counsel  
999 E Street, NW  
Washington, D.C. 20463

MUR # 7136

OFFICE OF GENERAL  
COUNSEL

2016 SEP 19 PM 3:28

RECEIVED  
FEDERAL ELECTION  
COMMISSION

**Re: Complaint against Ted Strickland & Strickland for Senate**

Dear Counsel,

The Foundation for Accountability and Civic Trust (FACT) is a nonprofit organization dedicated to promoting accountability, ethics, and transparency in government and civic arenas. We achieve this mission by hanging a lantern over public officials who put their own interests over the interests of the public good. This complaint is submitted, upon information and belief, to urge the Federal Election Commission (FEC) to investigate and take appropriate enforcement actions to address apparent violations of the Federal Election Campaign Act, as amended (FECA), and FEC regulations by Ted Strickland and his campaign committee, Strickland for Senate (FEC ID #C00573212).

Senate candidate Ted Strickland is using his campaign website to illegally coordinate with super PACs that support his candidacy.<sup>1</sup> Through postings on his website, Strickland is instructing organizations, with which he is not permitted to coordinate, to run advertisements beneficial to his campaign.<sup>2</sup> This is not general candidate or campaign information provided to the general public, but is specific content and direction based on the campaign's internal information and advertising needs that is targeted to super PACs.<sup>3</sup> This type of behavior is contrary to federal law that prohibits candidates from coordinating with super PACs, and the fact that the coordination is done somewhat publicly does not

<sup>1</sup> See Maggie Severns, *Democratic Candidates Writing Instructions to Super PACs on Their Websites*, Politico, July 15, 2016 (Attached as Exhibit A).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

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excuse his violations of the law. There is no requirement that the commission of a crime be covered up. The Commission must immediately investigate and enforce the law.<sup>4</sup>

### I. FACTS

At least five Senate candidates have used their campaign websites to post “thinly veiled notes . . . with hints, tips and flat-out instructions for” super PACs and other organizations.<sup>5</sup> The websites use obscure pages to instruct outside groups on ads to run, including the specific message to convey in ads, and may also include whether the ad should be run state-wide or in a smaller media market or provide photographs and video of the candidate to be used in the ads.<sup>6</sup> The pages use similar language, such as voters “need to know” or “should know” to convey the ad message and also indicates “which media markets in the states would make the best targets for those messages.”<sup>7</sup> The candidates’ method is nearly identical, and the purpose and effect is clear—to illegally coordinate with super PACs.

One egregious example of this behavior is Senate candidate Ted Strickland, who uses the “Ohio Needs to Know” page on his website to request super PACs run specific ads in specific markets.<sup>8</sup> Strickland’s web page identifies the media markets in which to run ads, either state wide or specific cities.<sup>9</sup> Strickland uses the phrase “Ohioans need to know” to identify the information he wants conveyed in the ads, providing detailed facts and phrases, including links to news articles and a pdf fact sheet,<sup>10</sup> and video that can be

<sup>4</sup> See 52 U.S.C. § 30109(a)(2); 11 C.F.R. § 111.4(a).

<sup>5</sup> Maggie Severns, *Democratic Candidates Writing Instructions to Super PACs on Their Websites*, Politico, July 15, 2016 (Attached as Exhibit A).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*; see also Ted Strickland for Senate, available at [tedstrickland.com/ohio-needs-to-know](http://tedstrickland.com/ohio-needs-to-know) (Attached as Exhibits B (June 28, 2016), C (July 12, 2016), and D and E (Aug. 18, 2016)); Deirdre Shesgreen, *With Wink to Super PACs, Ted Strickland Pivots to Women’s Issues In Ohio*, USA Today, Aug. 30, 2016 (Attached as Exhibit F).

<sup>9</sup> Ted Strickland for Senate, available at [tedstrickland.com/ohio-needs-to-know](http://tedstrickland.com/ohio-needs-to-know) (Attached as Exhibits B, C, and D).

<sup>10</sup> See, e.g., Ted Strickland for Senate, available at [tedstrickland.com/ohio-needs-to-know](http://tedstrickland.com/ohio-needs-to-know) (Attached as Exhibit E).

used in those ads.<sup>11</sup> As circumstances change or once an outside group runs the ad, the “Ohio Needs to Know” information is updated.<sup>12</sup>

For instance, in May 2016, Strickland’s website stated, “‘people in Columbus should know about the contrast between Portman and Strickland on retirement security,’ and that ‘people in Cleveland, Akron, Canton, Youngstown and Appalachia should see and hear about the contrast between Portman and Strickland on trade policy.’”<sup>13</sup> After posting this message detailing the ad content and the media markets in which to run the ads, labor groups (American Federation of Teachers and AFSCME) responded and on May 24, 2016, began running ads as instructed on the topic and in the media markets identified.<sup>14</sup>

In June 2016, Strickland updated his “Ohio Needs to Know” page, first stating that Ohio voters need to know about Rob Portman’s view on Social Security.<sup>15</sup> Then on June 28, 2016 stated, “Once Ohioans understand the contrast between Portman and Strickland on retirement security, Ohioans across the state need to know about the contrast between Portman and Strickland on tax policy.”<sup>16</sup> In response, Senate Majority PAC ran ads on the issues.<sup>17</sup> One of Senate Majority PACs ads stated:

Here we are on Wall Street and somebody up there is probably writing Rob Portman a check. Wall Street’s given Portman millions in campaign contributions and he pushed a plan to privatize social security and risk your retirement in the stock market. Wall Street gets hundreds of billions in fees even if the market crashes. Maybe Rob Portman should be running as senator of Wall Street, not Ohio.”<sup>18</sup>

<sup>11</sup> Ted Strickland for Senate, available at [tedstrickland.com/ohio-needs-to-know](http://tedstrickland.com/ohio-needs-to-know) (Attached as Exhibits B, C, and D).

<sup>12</sup> Maggie Severns, *Democratic Candidates Writing Instructions to Super PACs on Their Websites*, Politico, July 15, 2016 (Attached as Exhibit A); Ted Strickland for Senate, available at [tedstrickland.com/ohio-needs-to-know](http://tedstrickland.com/ohio-needs-to-know) (Attached as Exhibits B, C, and D).

<sup>13</sup> Maggie Severns, *Democratic Candidates Writing Instructions to Super PACs on Their Websites*, Politico, July 15, 2016 (Attached as Exhibit A).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Ted Strickland for Senate, available at [tedstrickland.com/ohio-needs-to-know](http://tedstrickland.com/ohio-needs-to-know), posted Jun. 28, 2016 (Attached as Exhibit B).

<sup>17</sup> Maggie Severns, *Democratic Candidates Writing Instructions to Super PACs on Their Websites*, Politico, July 15, 2016 (Attached as Exhibit A).

<sup>18</sup> Senate Majority PAC, available at <https://www.youtube.com/watch?v=YMssaB3C2es>, posted July 7, 2016.

Again, Strickland then posted an update on July 12, 2016, which stated **"Portman is the best senator China's ever had—he voted for job killing trade deals like NAFTA, permanent most favored trading status for China and other unfair trade deals that cost Ohio over 300,000 jobs."**<sup>19</sup> Again, Senate Majority PAC responded and posted an ad stating:

This is the Chinese Embassy in Washington. Wonder what they're up to in there. Probably giving Rob Portman an award for **being China's best senator**. After all Portman voted for eight different trade deals. Portman even led the fight to give the Chinese permanent special trading status. Sure hope Rob Portman is not in there negotiating another trade deal. Hard to believe this guy is running for reelection in Ohio.<sup>20</sup>

On August 18, 2016, Strickland again updated his "Ohio Needs to Know" page, stating "In Cleveland and Columbus, voters need to know that when it comes to women and family issues, Portman stands with Trump. . . . Across Ohio, voters need to know that Rob Portman is using his special interest millions to lie about his record for working people."<sup>21</sup>

## II. Law

Under the FECA, candidates for federal office are subject to regulations that limit or prohibit contributions from and interactions with individuals, groups, and organizations. Among these regulations, federal candidates are prohibited from accepting contributions from an individual or a non-multicandidate PAC in excess of \$2,700, from a multicandidate PAC in excess of \$5000, or from any corporation or labor organization in any amount.<sup>22</sup> Federal candidates are also prohibited from accepting contributions or coordinating with independent expenditure only committees, *i.e.* super PACs.<sup>23</sup>

Contributions are broadly defined to include cash donations, but also "anything of value . . . for the purpose of influencing any election for Federal office."<sup>24</sup> Federal law

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<sup>19</sup> Ted Strickland for Senate, available at [tedstrickland.com/ohio-needs-to-know](http://tedstrickland.com/ohio-needs-to-know), posted July 12, 2016 (Attached as Exhibit C).

<sup>20</sup> Senate Majority PAC, available at <https://www.youtube.com/watch?v=tOSw6AuZtWQ>, posted July 19, 2016.

<sup>21</sup> Ted Strickland for Senate, available at [tedstrickland.com/ohio-needs-to-know](http://tedstrickland.com/ohio-needs-to-know), posted Aug. 18, 2016 (Attached as Exhibit D).

<sup>22</sup> 52 U.S.C. §§ 30116, 30118.

<sup>23</sup> 52 U.S.C. §§ 30101, 30118.

<sup>24</sup> 52 U.S.C. § 30101(8)(A).

specifically provides that certain expenditures are contributions, including: (i) “expenditures made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his authorized political committees, or their agents.”<sup>25</sup>

In order to determine whether an expenditure was made in cooperation with a candidate under subsection (i), FEC regulations provide a three-part test: (1) the communication is paid for by a third-party; (2) the communication satisfied a “content” standard of 11 C.F.R. § 109.21(c); and (3) the communication satisfies one of the “conduct” standards of 11 C.F.R. § 109.21(d).<sup>26</sup>

## II. Analysis

Ted Strickland’s actions are not only a clear attempt to violate the law, but a successful one. This is not a case where a super PAC has lifted information available to the general public from a candidate’s web page. Rather, this is a case where the candidate has made a web page simply to communicate with a super PAC and request certain ads be run. There are numerous facts that evidence coordination: The “Ohio Needs To Know” page has a different appearance than the site and indicates it was published for a different purpose than the general web site and not for the general public. The request uses the same language as other candidates—“Ohioans need to know”—to indicate that it is the request. The campaign, which has knowledge from polling and its own media buys, is stating what ad content would be helpful to the campaign and where those ads should air. The media markets identified are very specific and change depending on the information Strickland wants conveyed. The timeline of a website post, followed by the requested ad, and then a change of the website post after the ad airs shows that a request is being made and acted upon. These facts make it clear that Strickland is using the media page to communicate with super PACs and other groups about the types of ads that would be helpful to his campaign.

In addition to these facts clearly demonstrating coordination, they also meet the FEC’s three-prong test. First, the communications were paid for by other groups—labor organizations and a super PAC (Senate Majority PAC).

<sup>25</sup> 52 U.S.C. § 30116(a)(7)(B)(i).

<sup>26</sup> 11 C.F.R. § 109.21.

Second, the ads meet the content prongs under 11 C.F.R. § 109.21(c). Under subsection (5), the ads are the “functional equivalent of express advocacy” because they are “susceptible of no reasonable interpretation other than as an appeal to vote for or against a clearly identified Federal candidate.”<sup>27</sup> The ads are intended to urge voters to vote Strickland and characterize his opponent in a negative manner, which is also evidenced by the fact he wanted that specific information to be publicized.<sup>28</sup>

Finally, the ads meet the conduct prong under 11 C.F.R. § 109.21(d). Under subsection (1), the ads were clearly created and distributed at the request of the candidate and his committee. In addition to the numerous facts discussed above that demonstrate coordination, the super PACs response also demonstrates the candidate and campaign made a request. Although the request was made through a public web page, this does not excuse the fact that the request was made.<sup>29</sup> Unlike other conduct prongs, subsection (1) **does not state** that it does not apply if the “material was obtained from a publicly available source.” Rather, any interpretation of subsection (1) that would permit this would result in permissible coordination by request so long as the request was made publicly—this is unreasonable and contrary to the regulations and statute.<sup>30</sup> Moreover, this is not a case where the communication resulted from generally publicly available information—a request was made based upon internal campaign information to a super PAC. Any interpretation of the Commission’s regulations that would permit illegal acts to be committed publically is plainly erroneous and inconsistent with the statute. Finally, it is

<sup>27</sup> 11 C.F.R. § 109.21(c)(5)

<sup>28</sup> Ted Strickland for Senate, available at [tedstrickland.com/ohio-needs-to-know](http://tedstrickland.com/ohio-needs-to-know) (Attached as Exhibits B (June 28, 2016), C (July 12, 2016), and D (Aug. 18, 2016)).

<sup>29</sup> Compare 11 C.F.R. § 109.21(d)(1)(i) (“The communication is created, produced, or distributed at the request or suggestion of a candidate, authorized committee, or political party committee.”), with 11 C.F.R. § 109.21(d)(2) (“This paragraph . . . is not satisfied if the information material to the creation, or distribution of the communication was obtained from a publicly available source.”)

<sup>30</sup> The commission has previously stated “that a communication resulting from a general request to the public or the use of publicly available information, including information contained on a candidate’s campaign website, does not satisfy the content standards.” FEC, Factual & Legal Analysis, Shaheen for Senate, MUR 6821 (Dec. 2, 2015). However, this analysis should only apply to the conduct alternatives that explicitly state this in its description. See, e.g., 11 C.F.R. § 109.21(d)(2) and (3). Any other interpretation would be contrary to the plain language of the Commission’s regulations.

clear to the public that Strickland is using this webpage to request super PACs run specific ads.<sup>31</sup>

### III. Conclusion

There should be no doubt Strickland is using the "Ohio Need to Know" page on his website to coordinate with super PACs, and that coordination has resulted in ads that are illegal in-kind donations to Strickland's campaign. This is an extreme violation because unlike candidates, super PACs can accept unlimited contributions and any permitted cooperation with a federal candidate would simply eviscerate the FECA. It is not a defense that Strickland is using a public venue to illegally coordinate with a super PAC—there is no requirement that a crime be committed in secret. If the Commission does not act and punish such a clear violation, then the laws are without purpose. FACT respectfully requests the Commission immediately investigate and hold the Respondents accountable.

Respectfully submitted,



Matthew G. Whitaker, Executive Director  
Foundation for Accountability & Civic Trust  
1717 K Street NW, Suite 900  
Washington, D.C. 20006

Subscribed and sworn to before me on September 12, 2016.

 Notary Public

<sup>31</sup> See Maggie Severns, *Democratic Candidates Writing Instructions to Super PACs on Their Websites*, Politico, July 15, 2016 (Attached as Exhibit A); Deirdre Shesgreen, *With Wink to Super PACs, Ted Strickland Pivots to Women's Issues In Ohio*, USA Today, Aug. 30, 2016 (Attached as Exhibit F).



Federal law prohibits candidates from explicitly coordinating with outside groups, but public communications that outside groups pick up on are fair game, with few limitations, and campaigns' experiments with such missives are growing bolder over time. | AP Photo/J Pat Carter

## Democratic candidates writing instructions to super PACs on their websites

By **MAGGIE SEVERNS** | 07/15/16 05:02 AM EDT

You don't have to look hard to find out how Democratic Senate candidates want their outside allies to spend money this year.

The party's candidates in Florida, Ohio, Pennsylvania and elsewhere are posting thinly veiled notes on their websites with hints, tips and flat-out instructions for supportive outside groups about how best they can help. The pages include not only messaging information but suggestions about which media markets in the states would make the best targets for those messages.

In a small, yellow box on her campaign site, Katie McGinty regularly publishes notes on what issues Pennsylvania voters, particularly women, should be hearing about. Ted Strickland has a public page, "Ohio Needs to Know," with issue briefs on GOP Sen. Rob Portman's vote record and b-roll of a smiling Strickland talking to voters. And Democratic outside groups have already lifted the messages on both pages for use in expensive TV ads that the Senate campaigns themselves may not have been able to afford at the time.



Federal law prohibits candidates from explicitly coordinating with outside groups, but there's a loophole as wide as the internet itself. Public communications that outside groups pick up on are fair game, with few limitations, and campaigns' experiments with such missives are growing bolder over time.

"It used to be you sent out smoke signals. But there's no need to be elliptical about the smoke signals anymore," said Kenneth Gross, a campaign finance expert and partner at Skadden, Arps, Slate, Meagher & Flom.

At least five Democratic Senate candidates have posted such messages recently, a review by POLITICO found, which experts said are notable for their level of specificity. Some verge on instructing super PACs on what to do, which is prohibited, but campaign finance experts said they would most likely clear the current bars enforced by the Federal Election Commission.

In Florida, Rep. Patrick Murphy's campaign has a clear message for supportive outside groups, potentially including the DSCC and a super PAC funded by his family. "Florida Democrats, especially those from Tampa to Orlando, deserve to know that President [Barack] Obama endorsed Patrick Murphy," Murphy's website reads.

Murphy's own campaign is preparing to spend over a million dollars on TV ads ahead of Florida's Aug. 30 primary, but Orlando is missing from the early ad reservations, according to a source tracking Murphy's media buys. And Murphy's buy in Tampa is far below saturation levels.

The McGinty, Murphy and Strickland campaigns declined to comment for this story, as did two outside groups: Senate Majority PAC and EMILY's List.

Strickland's campaign recently hinted that it would appreciate certain ads in certain media markets, according to transcripts provided to POLITICO of text that appeared on Strickland's website in May.

Two notices posted in early May said that "people in Columbus should know about the contrast between Portman and Strickland on retirement security," and that "people in Cleveland, Akron, Canton, Youngstown and Appalachia should see and hear about the contrast between Portman and Strickland on trade policy."

On May 24, labor groups went live with two ads in Ohio in just those media markets.

The American Federation of Teachers ran an ad only in Columbus that hit Portman on Social Security. Meanwhile, a second ad from AFSCME, which ran in Cleveland and Youngstown, criticized Portman on trade.

Strickland posted a June update about educating Ohio voters on Portman's Social Security positions that was followed by ads run by Senate Majority PAC on the issue. A new post, from July 12, notes that "Ohioans across the state will always need to know about the contrast between Ted Strickland and Senator Portman on trade."

These hints on geography "come close to being directions on how to help the campaigns," said Larry Noble, general counsel at the Campaign Legal Center, which is illegal. But currently, the FEC has interpreted law in a way that "if [campaigns] do it publicly, it's not coordination."

Other public hints to super PACs have focused just on messaging. In March, ahead of her tough primary against ex-Rep. Joe Sestak in Pennsylvania, one of McGinty's notes highlighted her biography: "As the ninth of ten children and the daughter of a police officer who walked the beat and restaurant hostess [sic], Katie McGinty is

fighting to help everyday families," the McGinty website read on March 7.

EMILY's List's super PAC began airing ads focused on just that on April 4.

"Her dad was a Philly cop, her mom worked in a restaurant. ... She'll always stand up for manufacturing, higher wages and equal pay for women so opportunity never gets out of reach," a narrator said in the first ad aired by EMILY's List.

By March 24, McGinty's site updated with negative information about her primary opponent. Voters "need to know" that Sestak supported a plan that "would have cut Social Security and Medicare benefits, raised the Social Security retirement age to 69, and forced higher out-of-pocket spending for Medicare recipients," McGinty's website read.

EMILY's List's second ad, released April 11, again reflected the text: "Joe Sestak supports a plan that the New York Times reported makes cuts to Social Security benefits, and the plan raises the retirement age. ... The plan Sestak supports means higher out-of-pocket costs for millions on Medicare."

The FEC recently ruled on a similar exchange of information in 2014, between Sen. Jeanne Shaheen and Senate Majority PAC during the 2014 election. The commission said that because the PAC didn't copy Shaheen's signals verbatim and Shaheen didn't explicitly instruct the PAC to make the ads, the public signaling was allowed.

That ruling, and others like it, have increasingly convinced campaigns and outside spenders that public messages between campaigns and super PACs are unlikely to draw punishment from the FEC — even if they appear to be against the spirit of campaign finance laws. And with Democratic campaigns like Strickland's, McGinty's and others making do with less money than their opponents, they clearly want to make sure supporters don't spend precious resources on anything but the optimal message.

McGinty's campaign has kept up its signaling into the general election. Majority Forward, a 501(c)(4) nonprofit affiliated with Senate Majority PAC, spent \$400,000 attacking Republican Sen. Pat Toomey with an ad that began airing at the end of June in Pennsylvania.

"Wall Street's given Toomey \$2.7 million in contributions, and Toomey supported privatizing Social Security in the stock market," a narrator says in the ad.

McGinty's campaign appeared thankful to see that ad on TV — but unsatisfied with the amount of money behind the message.

"Pennsylvania voters all across the state need to keep hearing a lot more about Pat Toomey and Wall Street," McGinty's website currently reads. "Wall Street's given Toomey \$2.7 million in contributions, and Toomey supported privatizing Social Security in the stock market."

*Visit the Campaign Pro Race Dashboard to track the candidates and consulting firms engaged in the top House, Senate, and gubernatorial races of 2016.*

Update – 6.28.16:

Ohioans still need to know that Ohio's U.S. Senate race is a contrast: Ted Strickland is standing up for working people. Portman is the ultimate Washington insider who is pushing the agenda of the wealthy and well-connected at Ohio's expense.

- Once Ohioans understand the contrast between Portman and Strickland on retirement security, Ohioans across the state need to know about the contrast between Portman and Strickland on tax policy. Portman protected tax breaks for companies that outsource American jobs to China, and for multi-millionaires like himself. He supported a budget that cut taxes for millionaires but raised them on the middle class. Strickland says working people should be able to keep more of what they earn – he believes millionaires and billionaires should pay more so we can provide tax relief for middle-class families and small businesses, the real engines of our economy. Strickland is calling for a tax cut of \$1,000 for middle class families, and \$500 for individuals.

### VIDEO FOOTAGE FROM THE CAMPAIGN TRAIL

(/web/20160629150021/https://www.dropbox.com/s/uwxemioa5nvppu2/Selects1080.mp4?dl=1)

### CHECK THE FACTS FOR YOURSELF

(/web/20160629150021/http://www.tedstrickland.com/pdfs/What-OH-Needs-To-Know-6.28.16.pdf)

Beltway Rob





SENATE

Update – 7.12.16:

Ohioans still need to know that Ohio's U.S. Senate race is a contrast: Ted Strickland is standing up for working people. Portman is the ultimate Washington insider who is pushing the agenda of the wealthy and well-connected at their expense.

- Ohioans across the state will always need to know about the contrast between Ted Strickland and Senator Portman on trade policy. Portman is the best senator China's ever had – he voted for job killing trade deals like NAFTA, permanent most favored trading status for China and other unfair trade deals that cost Ohio over 300,000 jobs. But Ted Strickland voted against NAFTA, against permanent most favored trading status for China and against other unfair trade deals in order to protect Ohio jobs. The Columbus Dispatch (<http://www.dispatch.com/content/stories/local/2016/03/20/0320-senate-race-issues.html>) wrote that on trade, "the voting records of Strickland and Portman are polar opposites" and that Portman "never met a free trade agreement he didn't like;" the Enquirer (<http://www.cincinnati.com/story/news/politics/blogs/2016/07/08/ad-watch-did-portman-help-save-rebar-jobs-china/86856956/>) wrote that Portman is a "free trade enthusiast;" and Portman has even been called a "dedicated outsourcer."

### VIDEO FOOTAGE FROM THE CAMPAIGN TRAIL

(<https://www.dropbox.com/s/uwxemioa5nvppu2/Selects1080.mp4?dl=1>)

### CHECK THE FACTS FOR YOURSELF

(<http://www.tedstrickland.com/pdfs/What-OH-Needs-To-Know-7.12.16.pdf>)

"Shameless"



## Beltway Rob





SENATE

Update 8.18.16

Ohioans still need to know that Ohio's U.S. Senate race is a contrast: Ted Strickland is standing up for working people. Portman is pushing the agenda of the wealthy and well-connected at their expense.

In Cleveland and Columbus, voters need to know that when it comes to women and family issues, Portman stands with Trump. Both support overturning Roe v. Wade and making abortion against the law. They would defund Planned Parenthood, which so many women rely on for health services. They oppose a law requiring men and women be paid the same.

Across Ohio, voters need to know that Rob Portman is using his special interest millions to lie about his record for working people. America's level playing field? It's Rob Portman who voted for 8 unfair trade deals and permanent most favored nation trading status for China, costing Ohio over 300,000 jobs and giving companies a tax break to send jobs overseas. And China cheats? Well it's Portman who gave them permanent most favored nation trading status that lets them do so. He may have the money to say what he wants, but it's just not true.

### VIDEO FOOTAGE FROM THE CAMPAIGN TRAIL

(<https://www.dropbox.com/s/uwxemi0a5nvppu2/Selects1080.mp4?dl=1>)

### CHECK THE FACTS FOR YOURSELF

(<http://www.tedstrickland.com/pdfs/160818-OH-Needs-To-Know.pdf>)

"Shameless"



## Beltway Rob



01-21-2016 10:00 AM

# Portman Stands With Trump On Issues Key To Women And Families

## PORTMAN STANDS WITH TRUMP ON ISSUES KEY TO WOMEN AND FAMILIES

### ROE V. WADE

### TRUMP OPPOSED ROE V. WADE

Trump Said Roe v. Wade Was Wrongly Decided. "When we asked whether the landmark abortion case was wrongly decided, he said, 'I do.'" [CBN News, The Brody File, 2/18/16]

USA Today Headline: "Trump: My SCOTUS Nominee May Try To Overturn Roe v. Wade." [USA Today, 5/11/16]

Trump Wrote That Roe v. Wade Encouraged A "Culture Of Death" And Was Based On "Imagined Rights." "Over time, our culture of life in this country has started sliding toward a culture of death. Perhaps the most significant piece of evidence to support this assertion is that since Roe v. Wade was decided by the Supreme Court 43 years ago, over 50 million Americans never had the chance to enjoy the opportunities offered by this country. [...] The Supreme Court in 1973 based its decision on imagining rights and liberties in the Constitution that are nowhere to be found. [...] If using taxpayer money to facilitate our slide to a culture of death were not enough, the 1973 decision became a landmark decision demonstrating the utter contempt the court had for federalism and the 10th Amendment. Roe v. Wade gave the court an excuse to dismantle the decisions of state legislatures and the votes of the people. This is a pattern that the court has repeated over and over again since that decision. Roe v. Wade became yet another incidence of disconnect between the people and their government." [Washington Examiner, Donald Trump Op-Ed, 1/23/16]

### PORTMAN OPPOSED ROE V. WADE

January 2011: Portman Said "The Sanctity Of Life Is Fundamental And Universal, And I Am Fully Committed To Protecting It In The Senate." "U.S. Senator Rob Portman (R-OH) released the following statement regarding the March for Life today in our nation's capital: It is great to see so many Ohioans in the nation's capital, braving the cold to support our shared belief in the right to life. The sanctity of life is fundamental and universal, and I am fully committed to protecting it in the Senate. Thank you to the thousands involved today with the March for Life, and to the thousands more who work tirelessly all year long to protect the unborn, said Portman. Today marks the 38th annual March for Life and directly corresponds with the Supreme Court's decision in Roe v. Wade. The March for Life has steadily grown over its 38 years of existence which speaks volumes to those dedicated to pro-life movement." [Senator Rob Portman, Press Release, 1/24/11]

Portman's Office Said He "Has Had A Strong Pro-Life Record Throughout His Years Of Public Service" And That In The House He "Consistently Voted To Protect The Unborn And Received A 100% Voting Record From The National Right To Life." "Portman has had a strong pro-life record throughout his years of public service. Since joining the Senate, Portman has co-sponsored the Respect for Rights of Conscience Act, the Protect Life Act and the No Taxpayer Funding for Abortion Act. He also voted for H.Con.Res.36, which would have denied federal funds to Planned Parenthood. He has a 100% voting record from the National Right to Life as a U.S. Senator." [Senator Rob Portman, Press Release, 1/23/12]

Portman Called Roe v. Wade An "Infamous" Decision That "Denies The Most Basic Rights To The Unborn Child." [National Review, Rob Portman Op-Ed, 1/22/14]

Portman Said He Looked Forward To Visiting Protestors Whose Message Was "Roe v. Wade Should Not Stand." "This Friday, Americans from across the country will visit our nation's capital to stand up for life at the 39th annual March for Life. Their message is twofold: innocent life is a precious and unalienable right that must be preserved and Roe v. Wade should not stand. [...] Since the first March for Life almost 40 years ago, hundreds of thousands of Americans have come to their nation's capital each January to stand up for this right to life for the unborn. As I have before, my staff and I look forward to visiting with marchers from Ohio." [Office Of Sen. Portman Column, 1/22/13]

### PLANNED PARENTHOOD

### TRUMP SUPPORTED DEFUNDING PLANNED PARENTHOOD

EXHIBIT

E



**Trump Supported Defunding Planned Parenthood.** "So you can say whatever you want, but they have millions of women going through Planned Parenthood that are helped greatly," he said Thursday at the GOP debate. Regardless, he 'would defund it because of the abortion factor, which they say is three percent. I don't know what percentage it is. They say it's three percent,' Trump continued. 'But I would defund it, because I'm pro-life.'" [Washington Post, [3/2/16](#)]

**Trump Supported Defunding Planned Parenthood By Shutting Down The Government.** "HH: The word is that the Democrats will filibuster and the president will veto — that's the only way to get rid of Planned Parenthood money for selling off baby parts is to shut the government down in September. Would you support that? DT: Well I can tell you this. I would and I was also in support if the Republicans stuck together you could have done it with Obamacare also, but the Republicans decided not to stick together and they left a few people out there like Ted Cruz. You know, they left a lot of the people who really went in and wanted to do the job and you know what? If they had stuck together they would have won that battle. I think you have to in this case also, yes." [Hugh Hewitt Transcript, [8/3/15](#)]

## **PORTMAN VOTED TO DEFUND PLANNED PARENTHOOD**

**2015: Portman Said "I Cosponsored And Voted For Legislation That Would End Federal Funding For Planned Parenthood."** PORTMAN: "Last month I cosponsored and voted for legislation that would end Federal funding for Planned Parenthood while ensuring that taxpayer dollars would continue to be offered to community health organizations to continue to provide health services to women across my State of Ohio and across America. By the way, there are seven times more community health organizations in the State of Ohio than there are Planned Parenthood clinics." [Congressional Record, [9/21/15](#)]

**September 2015: Portman Voted For Cloture On Continuing Appropriations That Would Bar Use Of Funds For Planned Parenthood.** In September 2015, Portman voted for a: "Motion to invoke cloture (thus limiting debate) on the Cochran, R-Miss., substitute amendment no. 2669 that would provide continuing appropriations for government operations through Dec. 11, 2015, at an annual rate of about \$1.017 trillion. It also would prohibit for one year federal funding for Planned Parenthood or its affiliates unless they certify that they will not perform, or fund other entities that perform, abortions during that period. The substitute amendment would redirect \$235 million to community health centers." The motion was rejected by a vote of 47-52. [CQ, [9/24/15](#); H.J.Res. 61, Vote 270, [9/24/15](#)]

**August 2015: Portman Voted To Advance A Bill That Would Prohibit Federal Funding For Planned Parenthood Or Any Of The Organization's Affiliates, Subsidiaries, Successors, Or Clinics.** In July 2015, Portman voted for a: "Motion to invoke cloture (thus limiting debate) on the McConnell, R-Ky., motion to proceed to the bill that would prohibit federal funding for the Planned Parenthood Federation of America or any of the organization's affiliates, subsidiaries, successors or clinics. The bill would state that it shall not be interpreted to reduce overall federal funding available for women's health or to affect abortion-related limitations in appropriations laws." The motion was rejected 53-46. [CQ, [8/3/15](#); S. 1881, Vote 262, [8/3/15](#)]

- **Portman Claimed That He Voted To Defund Planned Parenthood Because It Would "Protect Women's Health."** In an August 2015 Twitter post, Portman wrote: "Just now, I voted to #DefundPP and protect women's health. Sign our petition to protect life by clicking below! -RP" [Rob Portman, Twitter, [8/3/15](#)]
- **July 2015: Portman Co-Sponsored A Bill Defending Planned Parenthood.** In July 2015, Portman co-sponsored: "a bill to prohibit Federal funding of Planned Parenthood Federation of America." [CQ, [7/28/15](#); S. 1881, Co-sponsored 7/29/15, Introduced [7/28/15](#)]
  - **HEADLINE: "Senate Republicans Tout Bill To Cut Federal Funds To Planned Parenthood."** [Wall Street Journal, [7/29/15](#)]

**April 2011: Portman Voted To Bar Use Of Federal Funds For Planned Parenthood.** In April 2011, Portman voted for the: "Adoption of the concurrent resolution that would direct the House clerk to make a correction in the enrollment of a bill (HR 1473) to provide \$1.055 trillion in discretionary funding for fiscal 2011, and insert a section that would bar the use of funds made available in the bill to the Planned Parenthood Federation of America Inc. or its affiliates." The concurrent resolution was rejected 42-58. [CQ, [4/14/11](#); H.Con.Res. 36, Vote 60, [4/14/11](#)]

**March 2011: Portman Voted For 2011 Continuing Appropriations Bill.** In March 2011, Portman voted for: "Passage of the bill that would provide continuing appropriations through fiscal 2011 for all government agencies, except the Defense Department, which would receive \$515.8 billion in base funding. Most other programs would be funded at fiscal 2010 levels, less eliminations, reductions and rescissions totaling roughly \$61.5 billion. The bill does not include earmarks and eliminates all previous fiscal 2010 earmark funding from continuing appropriations. The bill would eliminate funding for the F-35 Joint Strike Fighter alternative engine program and prohibit any funding from being made available to Planned

Parenthood and its affiliates. It also would bar the use of funds made available in the bill for a variety of executive branch regulatory activities and implementation of several provisions of the health care overhaul law." [CQ, 3/9/11, H.R.1, Vote 36, 3/9/11]

- **Continuing Resolution Blocked Funding To Planned Parenthood.** "Eliminates Funding for the Title X Family Planning Program, Teen Pregnancy Prevention and Planned Parenthood H.R. 1 eliminates funding for the Title X program, which for more than 40 years has provided family planning services, breast and cervical cancer screenings, and other preventive health care to low-income women in need. Title X-funded health centers serve more than five million low-income women and men each year, and six in 10 women who obtain health care from a family planning center consider it to be their primary source of health care." [National Women's Law Center, 3/30/11]

## EQUAL PAY

### TRUMP OPPOSED EQUAL PAY

**Trump On Equal Pay:** "One Of The Problems You Have Is You Get To Have An Economy Where It's No Longer Free Enterprise Economy." "CUOMO: You said I'm going to be great for women. I will do the most that can be done for women. Will you pass an equal pay? You know the statistics. You know, they don't get paid what men do? TRUMP: I'm looking into that very strongly. I was asked that question yesterday. I'm looking into it very strongly. I will have a position on it in the not too distant future. One of the problems you have is you get to have an economy where it's no longer free enterprise economy." [CNN Transcript, 8/11/15]

**HEADLINE:** "Donald Trump Says Women Should Get Equal Pay If They 'Do As Good A Job' As Men." [Fusion, 10/12/15]

**TIME:** Trump "Dismissed The Idea Of A Gender Pay Gap." "The New York businessman has flip-flopped on the issue of equal pay. Trump said last August that men and women deserve 'equal pay for equal work,' but just a few months later, he dismissed the idea of a gender pay gap. 'You're gonna make the same if you do as good a job,' Trump told an audience member during a Manchester, N.H. event in October." [TIME, 4/12/16]

### PORTMAN VOTED AGAINST EQUAL PAY

**In Ohio, Women Made 78 Cents On The Dollar Compared To Men, Worse Than The National Average.** According to the National Women's Law Center, women in Ohio made 77.8 cents on the dollar for every dollar a man made, amounting to a 22.2 cent wage gap. Nationally, women made 78.6 cents on the dollar for every dollar a man made. [National Women's Law Center, 9/17/15]

**April 2015: Portman Voted Against A Motion On Equal Pay Sponsored By Sen. Mikulski.** In April 2015, Portman voted against: "Mikulski, D-Md., motion to instruct conferees to insist that the conference report include language that would allow equal pay policies and practices, including providing for punitive damages, limiting the exception for unequal pay and preventing retaliation against employees who share salary information." The motion was rejected by a vote of 44-53. [CQ, 4/15/15; S Con Res 11, Vote 152, 4/15/15]

- **The Bill Was Based On The Paycheck Fairness Act.** Ms. MIKULSKI. "Mr. President, I rise to offer a motion to instruct the conferees based on a bill that I have offered for the last three Congresses; that is, the Paycheck Fairness Act. What does the Paycheck Fairness Act do? It finishes the job that we started with Lilly Ledbetter. It would, in fact, instruct the conferees to make three reforms: No. 1, to advance the cause of making sure that women get equal pay for equal work. It would stop retaliation for sharing pay information. Often workers are harassed and humiliated just for asking about coworkers' salaries. No. 2, it would stop employers from using any reason to pay women less: Oh, the guys do harder jobs. Women aren't breadwinners. OK, it is time for equal pay for equal work. It would also allow for punitive damages for women who are being discriminated against when the only deterrent against pay discrimination is the threat of paying women backpay." [Congressional Record, p. S2202, 4/15/15]

**March 2015: Portman Voted Against Paycheck Fairness Amendment To Senate Budget Resolution.** In March 2015, Portman voted against: "Mikulski, D-Md., amendment no. 362 that would create a deficit-neutral reserve fund to allow for legislation related to equal pay policies, including allowing for punitive damages, limiting the exception for unequal pay and preventing retaliation against employees who share salary information." The amendment was rejected 45-54. [CQ, 3/24/15; S.Amdt. 362 to S.Con.Res. 11, Vote 82, 3/24/15]

- **Amendment Was A Version Of The Paycheck Fairness Act.** "Sen. Barbara Mikulski (D-MD) offered S. Amdt. 362, a version of the Paycheck Fairness Act. Among other things, the Paycheck Fairness Act would significantly expand the amount of damages available in an equal pay case, limit an employer's affirmative defense in such cases, and prevent retaliation against employees who share salary information. The measure failed by a vote of 45-54. Sen. Mikulski re-introduced the measure along with Rep. Rosa DeLauro (D-CT) a day later (H.R. 1619, S. 862)." [Littler Workplace Policy Institute, Workplace Policy Update, [3/27/15](#)]

**September 2014: Portman Voted To Block A Vote On The Paycheck Fairness Act.** In 2014, Portman voted against: "Motion to invoke cloture (thus limiting debate) on the bill that would require employers to demonstrate that wage gaps between men and women with similar qualifications and in similar jobs have a business justification. It would prohibit employers from retaliating against employees who share salary information and authorize the Labor secretary to seek additional compensatory or punitive damages in a sex discrimination action. The bill also would require the Labor Department to provide training and collect wage information." The motion to limit debate failed 52-40. [CQ, [9/15/14](#); S. 2199, Vote 262, [9/15/14](#)]

**April 2014: Portman Voted Against Debating The Paycheck Fairness Act.** In April 2014, Portman voted against a: "motion to invoke cloture (thus limiting debate) on the Reid, D-Nev., motion to proceed to the bill that would require employers to demonstrate that wage gaps between men and women with similar qualifications and in similar jobs have a business justification. It would prohibit employers from retaliating against employees who share salary information and authorize the Labor secretary to seek additional compensatory or punitive damages in a sex discrimination action." The motion was rejected 53-44. [CQ, [4/9/14](#); S. 2199, Vote 103, [4/9/14](#)]

**June 2012: Portman Voted Against Debating The Paycheck Fairness Act.** In June 2012, Portman voted against a: "motion to invoke cloture (thus limiting debate) on the Reid, D-Nev., motion to proceed to the bill that would require that employers show that any pay disparity is job-related and not based on gender." The motion was rejected 52-47. [CQ, [6/5/12](#); S. 3220, Vote 115, [6/5/12](#)]

## KEY VIDEO: PORTMAN SUPPORTING TRUMP

**Portman: "I'm Supporting Donald Trump For President."** "Ohio Senator Rob Portman (R) has generally said he would support the Republican presidential nominee no matter the outcome of the primaries. On Friday, he exclusively told WTOL 11's Viviana Hurtado that he is endorsing presumptive GOP nominee Donald Trump. 'I have said for a long time that I intend to support the Republican nominee. Republican voters have now gone through the process, they have selected Donald Trump, and so I'm supporting Donald Trump for President,' affirmed the incumbent Senator." [WTOL, [5/6/16](#)] (VIDEO)

**January 2016: Portman On President Trump: "It's Gonna Be Great!"** [YouTube, Ohio Democratic Party, Uploaded [2/3/16](#); YouTube, Vail Global Energy Forum, Uploaded [1/30/16](#)] (VIDEO)

**November 2015: Portman Invoked Trump's Campaign Slogan.** In a November 2015 interview, Portman said: "The Fed shouldn't be as involved. In fact, it should be that the Congress of the United States and the President of the United States say 'hey, what's our job.' It's to fix this thing, to make America great again, as someone has said. You've got to chance policies." [Fox Business, Your World with Neil Cavuto, [11/12/15](#)] (VIDEO)

# With wink to super PACs, Ted Strickland pivots to women's issues in Ohio

Deirdre Shesgreen, USATODAY 4:46 p.m. EDT August 30, 2016



(Photo: Jay LaPete, AP)

WASHINGTON — On Aug. 18, an oddly worded statement appeared on Ted Strickland's campaign website hinting at a shift in strategy for the Ohio Democrat and nudging outside groups to follow suit.

Strickland, a Democrat trying to oust Sen. Rob Portman, has mostly hammered the Republican incumbent on economic issues — focusing heavily on Portman's support for free-trade deals.

But the recent website post highlighted abortion and equal pay (<http://www.tedstrickland.com/ohio-needs-to-know>) for women as key issues, especially in two of Ohio's biggest cities.

"In Cleveland and Columbus, voters need to know that when it comes to women and family issues, Portman stands with Trump," the website states, referring to GOP presidential nominee Donald Trump. "Both support overturning Roe v. Wade and making abortion against the law. They would defund Planned Parenthood, which so many women rely on for health services. They oppose a law requiring men and women be paid the same."



USA TODAY

Are national Democrats pulling back on Ohio Senate race?

(<http://www.usatoday.com/story/news/politics/onpolitics/2016/08/30/national-democrats-pulling-back-ohio-senate-race/89580374/>)

Below that text is a link to stock video footage of Strickland engaging with voters, as soft piano music plays in the background.

Who were these items aimed at? Not Ohio voters or political reporters.

Instead, political experts say, Strickland's campaign was sending a not-so-subtle message to super PACs, hoping for support in spreading his new women-directed message in the Cleveland and Columbus media markets. The campaign even provided the stock video footage, also known as b-roll, along with a fact sheet (<http://www.tedstrickland.com/pdfs/160818-OH-Needs-To-Know.pdf>) detailing Portman's and Trump's records on abortion and equal pay to make the ad-writing as easy as possible for allied outside groups.

"It seems to me the Strickland campaign is fishing, and we'll see if they get any bites," said Sheila Krumholz, executive director of the Center for Responsive Politics, which tracks campaign money.

Super PACs can raise and spend unlimited amounts of money to influence federal elections. They're barred from coordinating with the candidates they support, but candidates and super PACs have "perfected ways to do an end-run around the coordination ban," Krumholz said.

She said the Strickland campaign's website post is one legally allowed route. Portman's campaign also has b-roll on its website (<https://www.robportman.com/media>) available for friendly groups to download. In addition to those strategies, campaign aides sometimes "leak" strategy memos to the press, hoping super PACs will pick up on reported political shifts.

As long as the campaign telegraphs such messages publicly, Krumholz said, it's not considered illegal coordination.

In case any pro-Strickland super PACs didn't get the hint, Strickland released his own TV ad last week — titled "Choice" (<https://www.youtube.com/watch?v=t3o0oFxJ5tQ&feature=youtu.be>) — and focusing on the same issues highlighted in the website post.

EXHIBIT

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In this June 23, 2016, file photo, Sen. Rob Portman, R-Ohio, listens during a hearing on Capitol Hill. (Photo: Alex Brandon, AP)

"We all know what Donald Trump has said about women, so how can Rob Portman still support him?" a female narrator says in the spot. "Maybe it's because they agree on so much," the ad continues, noting that both men support overturning Roe v. Wade and defunding Planned Parenthood.

The sudden spotlight on abortion and equal pay comes as most voters say their top issue is the economy. So why the pivot?

Strickland campaign officials said they've emphasized these issues throughout the campaign, and the new ad is a strong example of the differences between Strickland and Portman on a major issue. The Democrats' Senate campaign committee is helping to pay for the ad.

"Issues like equal pay for equal work and access to health care provide clear and compelling examples of how Sen. Portman and Trump are pushing a shared agenda that would hurt Ohio women and working families," said campaign spokeswoman Liz Margolis.

Portman's campaign dismissed Strickland's focus on women's issues as a move of desperation.



USA TODAY

Rob Portman won't play Hillary Clinton in mock debates with Trump

(<http://www.usatoday.com/story/news/politics/onpolitics/2016/08/17/rob-portman-wont-play-hillary-clinton-mock-debates-trump/88902252/>)

"Ted Strickland's new shift in tactics is an admission he has lost the jobs debate and that his entire message over the course of this campaign is not working," said Portman campaign spokesperson Michawn Rich.

She disputed the ad's assertion that Portman opposes equal pay for women. The GOP senator did vote against the Paycheck Fairness Act, a Democratic proposal that would, among other things, make employers liable for civil damages if they violate laws barring sex discrimination. But Rich noted that Portman supported a GOP alternative, which would have relied on other tools to enforce equal pay.

The political dynamic behind this policy skirmish can be found in a recent polls showing that Strickland hasn't fully consolidated support among the Democratic Party's base. Emphasizing abortion and equal pay could help him gain ground among party loyalists, political analysts said.

"A focus on bread-and-butter Democratic social issues sort of makes sense within that context," said Kyle Kondik, managing editor of Sabato's Crystal Ball at the University of Virginia Center for Politics and author of *The Bellwether: Why Ohio Picks the President*.

A Quinnipiac University poll (<https://www.qu.edu/news-and-events/quinnipiac-university-poll/2016-presidential-swing-state-polls/release-detail?ReleaseID=2372>) released Aug. 11 showed Strickland and Portman tied among female voters, with each snagging 44%. Trump is deeply unpopular with women, so tying Portman to the controversial presidential contender could help Strickland cut into Portman's support among female voters.

"Strickland needs to win women by a significant (percentage) in order to win the election," Kondik said:

Whether Strickland's new political focus catches on with voters — or with any outside groups — is an open question. One major Democratic super PAC announced Tuesday it will scale back its pro-Strickland ad support, a possible sign that outside groups will shift resources to other Democratic candidates who appear to be in stronger positions.

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